

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Brandon Dale Lowery,

7 Plaintiff,

8 v.

9 MCSO Officers,

10 Defendants.

Case No. 2:24-cv-01194-GMN-DJA

Report and Recommendation

11 On July 26, 2024, the Court denied Plaintiff's application to proceed *in forma pauperis*
12 and required him to file a new one on or before August 26, 2024. (ECF No. 8). In doing so, the
13 Court informed Plaintiff that "[f]ailure to timely comply with this order may result in a
14 recommendation to the district judge that this case be dismissed. (*Id.*). To date, Plaintiff has not
15 filed anything further in this action and appears to have ceased prosecuting it. *See* Fed. R. Civ. P.
16 41(b).

17
18 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
19 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.
20
21
22
23
24
25

26 ///

27 ///

28 ///

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: September 16, 2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE